

Tennessee Department of Health
Division of Emergency Medical Services
Regulatory Board
Board Meeting
September 29, 2004

APPROVED
December 8, 2004

Chairman Jack Cochran called the Quarterly Board Meeting to order at 9:00 a.m. in the Cumberland Room of the Cordell Hull Building located at 425 Fifth Avenue North in Nashville, Tennessee.

The first item on the agenda was the roll call of the board members.

Dr. Charles Alderson	absent
Dr. Donald Barker	absent
Sid Cox	absent
Susan Earl	present
Darren Ellenburg	present
Mayor Larry Griffin	present
Steve Jones	present
Mark King	present
Don Mosby	present
Grady Scott	present
Dr. Steve White	absent (9:05) present
Ken Wilkerson	absent
Chairman Jack Cochran	present

Chairman Cochran welcomed everyone to the meeting, and reminded the board members to use their microphones.

Mr. Ernie Sykes, Board Advisory Attorney, was called for his report. Mr. Sykes reviewed the Conflict of Interest Statement, explaining disclosure obligations.

Mr. Sykes distributed copies of a previously approved rule, Rule 1200-12-1-.02; Ambulance Safety, Design, and Construction Standards, and explained the rule had been approved by the Board at the June 1999 meeting. The Attorney General's office did not have record of receiving this rule for processing. Mr. Sykes reviewed each section and subsection with the Board, and let them know of his intention to get the paperwork to the Attorney General's office for an official effective date as soon as possible. (Chairman Cochran asked for the record to show Dr. White was now in attendance.)

Mr. Sykes continued his report with a list of rules under review by OGC;

1200-12-1-.04, .06 – Emergency Medical Technician licensure requirements
1200-12-1-.03 - Emergency Medical Supplies and Equipment

1200-12-1-.19 - Automated External Defibrillator Programs
1200-12-1-.03,.04,.06,.07,.16 – EMS Equipment and Supplies; Retirement and reinstatement of an EMT license; Renewal Fees; Reciprocity application fee; Insurance coverage; Emergency Medical First Responders
1200-12-3 – New rules governing Response Agencies for Cardiac Emergencies

He is working with Richard Land in streamlining the internal process in order to process rules to the Attorney General's office more efficiently.

Chairman Cochran called for a ten minute break. (Ken Wilkerson came in 9:20 a.m.)

When the meeting was called back to order, Chairman Cochran asked to let the record show Ken Wilkerson was now in attendance. The next report on the agenda was called.

SCHOOL APPROVALS & RENEWALS

Donna Tidwell had prepared and distributed reports on each school for the board members.

Chattanooga Fire Department met all requirements and is in compliance. The Division recommended full accreditation.

Dyersburg State Community College was a renewal accreditation. A site visit was conducted on June 28 and 29, 2004. The reviews of the visit were included in the board's copies. The Division also recommended full accreditation for renewal of the program.

Columbia State Community College's visit was conducted on August 16, 2004. This was a follow-up visit to the September 2003 report. The Division congratulated Columbia State's paramedic program on the recent recommendation by the committee on accreditation for educational programs for the Emergency Medical Services profession to their continuing national accreditation. The Division recommended full accreditation for the EMT paramedic program for Columbia State Community College.

On August 30, 2004 a follow-up visit was conducted at Knoxville Fire Department. A full accreditation is also recommended by the Division.

A site visit was conducted at Motlow State Community College with a two-week follow-up visit. A complaint had been filed concerning inadequate equipment on site. The site visit was to assure the equipment was available, and the course was approved. A full site visit will be conducted in the twelve to twenty four months at Motlow as well as other EMS approved programs.

Ms. Tidwell stated the recommendations for approval of full accreditation for Chattanooga Fire Department; Columbia State Community College; Knoxville Fire Department; and renewal accreditation for Dyersburg State Community College. Grady

Scott moved to accept the recommendation; seconded by Darren Ellenburg. A roll call vote was taken. All members present voted yes. Members absent were Dr. Alderson, Dr. Barker, Sid Cox. The motion passed unanimously.

CLINICAL ISSUES COMMITTEE

Dr. Joe Holley reported the planning stages for the EMS Medical Directors' Course at the TASA Conference in February will begin soon. Based on feedback from the 2004 course, some changes will be made.

The National Association of EMS Directors Conference will be October 6-9, 2004. Joe Phillips will report on the meeting at the December Board Meeting.

Dr. Holley addressed his concerns on Rule 1200-12-1-.15 regarding Ambulance Service Records.

He felt there was a chronic problem across the state of emergency departments getting inadequate patient information when a patient is dropped off. The rule will help to resolve the problem. At least basic information will have to be left for every patient brought to the hospital.

COMMUNICATIONS COMMITTEE REPORT

Richard Land reported the committee plans were on hold until State communication in interoperability plans could be finalized. The Department of Safety, TBI, Forestry, Wildlife Resources and Emergency Management agencies are also involved in these planning projects.

The next state committee meeting will be October 19, 2004 with a EMS telecommunications meeting to follow adoption of any State Planning Guidelines.

Mr. Phillips met with the representative from Erlanger /Chattanooga area and the Upper Cumberland areas concerning the RCC issues.

EDUCATION COMMITTEE REPORT

Critical Care Paramedic Committee met on September 14, 2004. They are working on the prerequisites for the course and are continuing to work on the curriculum objectives and their requirements. The committee hopes to finalize their work in a few months and present a "complete package" to the Board.

The Education Committee met yesterday, September 28, 2004. The committee is still working on the EMT paramedic renewal exam and the rules for approval for schools.

We hope to have another evaluator training session October 15 at Chattanooga Regional Office.

Ms. Tidwell explained to the Board the “National Scope of Practice” which is being developed. She has asked committee members, board members, TASA members, Educator Association members to review this draft and send comments back to her by November 15. There was concern on how the draft divided the skills for certain levels of personnel.

All comments are due by January 2005 to the National Traffic Safety Administration Task Force. She wants to compile the comments and present them from Tennessee EMS Board.

The National Association of EMS Educators has been given the task of developing the educational standards. When the scope of practice is finalized, a task force will be assigned to look at the curriculums for standards to be developed by. The timing for this will probably be in 2005-2006.

TRAUMA CARE ADVISORY COUNCIL

Dr. Donald Barker, Chair of the Committee, was absent. Joe Phillips reported in his absence.

Mr. Phillips sits on the council as a member.

Mr. Phillips introduced a new staff member, Deidre Popovich, as the State Trauma Registrar. The Division has been working to get the position filled for several years. Having this position will help improve the statewide trauma system because of the ability for the position to analyze the data from a statewide perspective. Deidre will also work with the ambulance run data and other databases as needed.

Under Dr. Barker's direction, the Council worked for two years to bring the state trauma plan together. A State Trauma Care Systems Plan has now been distributed. The board had been given copies. In future meetings, priorities will be set for implementing the plan, aside from the number 1 priority of a functioning trauma registry.

After setting the system in place in 1988, everyone involved felt good for the “milestone”.

DATA RUN REPORTING SYSTEM

Donna Tidwell reported Wes Bowden had been appointed as the National Emergency Medical Information Systems as the programmer.

Beta testing is scheduled for October with on-line usage scheduled for January 2005. Input will start with the smaller services and then move on to the larger services.

Donna reviewed Rule 1200-12-1-.15 (b), Ambulance Service Records, Run Reports: the change to the rule would say “all ambulance service run reports shall be filed with the Division of Emergency Medical Services to include all information contained in the

Board approved prehospital care data set. This information shall be transmitted as specified in the Tennessee XML schema.” Also included within the rule, she added, the service would need to report to the Division on the 30th of each month for the month prior, and deficiency letters would be sent for non-compliance.

Richard Land addressed paragraph (a) of the rule amendment concerning dispatch logs. The amendment will delete the name of the patient due to the HIPPA regulation; will log all responses (not just transports); and, will define the time elements for the dispatch log.

Under (c), the changes needed are for hospital reporting. We will work with Ernie Sykes for appropriate wording due to the HIPPA compliance, but also meet the requirements of the EMS reporting system.

Ernie Sykes requested the board make a decision for authorization for a rulemaking hearing.

He stated the details of a rule are meant to be fine tuned and clarified and discussed throughout this process so it did not need to be in a polished form today.

Due to the request, Chairman Cochran entertained a motion to send the proposed change of the rule to a rulemaking hearing. “So moved” by Grady Scott; seconded by Ken Wilkerson.

After discussion of the collection of patient data and what pertinent information of that data would be, the vote was called for:

Susan Earl	yes	Don Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Mayor Griffin	yes	Dr. White	yes
Steve Jones	yes	Ken Wilkerson	yes
Mark King	yes	Chairman Cochran	yes

MOTION CARRIED. Dr. Alderson, Dr. Barker and Sid Cox were absent.

STAFF REPORTS

RICHARD LAND

Ambulance Services – The statutory changes have been made and Mr. Phillips has requested licenses showing a June 2005 expiration date be prepared for a December mail-out.

At the October staff meeting, ambulance service audit modifications will be addressed for the 2005 audits to align with new policies and regulations.

Rural AED Grant – Under the two years of funding 491 AEDs have been placed with agencies.

The committee met August 20 and decided to modify the placement strategy. The recommendation was for one (1) AED for 2500 population in rural area placement with a public safety agency is still required.

DONNA TIDWELL

WMD Grant Training Project – The CD project is complete and the final CD should be available in two weeks.

EMTs and paramedics will be awarded CEs for completing the interactive CD. They will be able to print a certificate for presentation to their training coordinators.

As previously reported, there is a two-part CD on a four (4) hour basic awareness on terrorism which may be acquired from the Office of Domestic Preparedness. We received 500 copies in lots of 250 for the services to use for in-service on basic awareness. The schools have also received copies to use in their labs for student training.

A second grant has been awarded out of the bioterrorism money for another additional funding to do training next year. The topic is incinerary devices and triage with mass casualty response. We will be working with Paratus on these topics. On the triage system, the color coding will correspond with the program that is being piloted in East Tennessee on bar coding for mass casualties.

Two more grants should be approved; one for chemical and the other for radiological and nuclear.

IC Testing-There was a new IC test in July for the new ICs. These individuals, as well as their sponsoring institution, have been notified of their success or of their deficiency.

Deficiency letters were sent to the instructors IC re-authorization this month. All instructors' data has been entered into the RBS system for identification purposes.

JOE PHILLIPS

Monthly Reports - Mr. Phillips called the board's attention to the distributed monthly report which was through August. He pointed out the 17,000 currently licensed and certified personnel; a new record number of EMT-IV's, Paramedics and First Responders. The number of ambulances is over 1,100 for the State at the present time.

Homeland Security – Mr. Phillips wanted to call to the attention of the board and the attendees the report in the summer of Homeland Security funds being distributed to local governments with only four percent (4%) going to EMS. Tennessee's office of Homeland Security has divided the State into eleven (11) homeland security planning

districts. He hoped the EMS directors, associations and other related professionals fully participated in funding for the EMS needs.

MARK I Kits – Funds have been awarded to purchase the MARK I chemical antidote kits for ambulances in Tennessee – six(6) per ambulance. The kits are to be primarily used for the crew's protection – three(3) per person. Dr. Holley has authorized the prescription for the manufacturer to make the kits and deliver them to the Division. They will go to the Regional Consultants for distribution. There will be a short letter of agreement on maintaining the kits and concerning the expiration dates.

Chairman Cochran called for a break.

OLD BUSINESS

Mr. Phillips reminded the board of the Bureau addressing the problems concerning hospital diversions. The Hospital Diversion Committee met September 28, 2004 and reviewed the Memphis Fire Department situation and how they have affected diversions. A seminar on this topic will be held in Nashville on January 20, 2005. The committee members are Mark King, Jack Cochran and Ken Wilkerson.

NEW BUSINESS

The June 2004 Board minutes had been distributed for review. Darren Ellenburg asked that his last name on the first page be corrected. So noted by Ms. Finch. Mr. Ellenburg moved to accept with that correction; seconded by Steve Jones. All members present, by a voice vote, voted yes.
Minutes were approved.

ANNOUNCEMENTS

Chairman Cochran reminded everyone of the next board meeting on December 8 and 9, 2004.

Darren Ellenburg moved to adjourn; seconded by Ken Wilkerson. MOTION CARRIED.

Respectfully Submitted,

When the meeting came back to order after the break, the following cases were heard:

IN THE MATTER OF:

JOHN TRAVIS MONSUE, EMT-P
MCEWEN, TENNESSEE
DOCKET NO. 17.34-055743A

The State was represented by Elisha Hodge. The Administrative Law Judge was Judge Robert Fellman. The respondent was not present. Ms. Hodge moved and was granted a default judgment. After the evidence was heard, Judge Fellman gave the Board their instructions for deliberation.

Ken Wilkerson moved to accept the allegations of fact as presented by the State as Findings of Fact; seconded by Grady Scott. Dr. White amended the motion to change “engaging in the ingestion to inhalation” on number 7; amendment seconded by Susan Earl. The roll call vote on the amendment was:

Susan Earl	yes	Don Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Mayor Griffin	yes	Dr. White	yes
Steve Jones	yes	Ken Wilkerson	yes
Mark King	yes	Chairman Cochran	yes

MOTION CARRIED UNANIMOUSLY

The vote on the amended motion:

Susan Earl	yes	Don Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Mayor Griffin	yes	Dr. White	yes
Steve Jones	yes	Ken Wilkerson	yes
Mark King	yes	Chairman Cochran	yes

MOTION PASSED AS AMENDED

Mayor Larry Griffin moved to accept the Causes of Action as presented by the State as Conclusions of Law; seconded by Steve Jones. All board members voted yes; MOTION PASSED.

Mayor Griffin made the motion to revoke the license of the Respondent and notify his employer of his revocation. Ken Wilkerson gave the second on the revocation. The vote was taken with all members voting yes. No one was opposed. MOTION PASSED.

Mark King moved for the policy statement to read “sufficient proof has been developed by the State, which is clear, concise and convincing that engaging in a continued pattern of personal misuse of any illegal substance, which relates to the practice of emergency medical care, is not consistent with the high standards of professional practice, which is a requisite for a licensed health care professional. The use of illegal substance on the job which places patients at risk both in operating an ambulance and in terms of patient care clearly demonstrates this individual is a risk to the public. For the safety and welfare of the citizens of Tennessee, this board deems it necessary to revoke this individual’s license.” Mayor Griffin seconded the statement. All board members voted yes. No one was opposed. MOTION CARRIED.

IN THE MATTER OF:

WILLIAM F. POOLE, EMT-P
MT. JULIET, TENNESSEE
DOCKET NO. 17.34-047915A

Attorney Elisha Hodges represented the State. Mr. Poole was not present and was not represented by counsel. The Administrative Law Judge was Judge Robert Fellman.

Ms. Hodges moved for a default judgment by Steve Jones presented the notice for default hearing, with the second by Ken Wilkerson. The motion passed by a unanimous voice vote. After witnesses were heard, the court gave the board their charge for deliberations.

Darren Ellenburg moved to accept the Allegations of Fact as listed in the Notice of Charges as the Findings of Fact; seconded by Don Mosby. A roll call vote was called.

Susan Earl	yes	Don Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Mayor Griffin	yes	Dr. White	yes
Steve Jones	yes	Ken Wilkerson	yes
Mark King	yes	Chairman Cochran	yes

MOTION PASSED

Dr. White made the motion to adopt the Causes of Action contained in the charges as the Conclusions of Law. Grady Scott seconded the motion.

Susan Earl	yes	Don Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Mayor Griffin	yes	Dr. White	yes
Steve Jones	yes	Ken Wilkerson	yes
Mark King	yes	Chairman Cochran	yes

MOTION PASSED

Steve Jones made the motion to revoke Mr. Poole's license; seconded by Darren Ellenburg. There was no discussion. By a roll call vote of:

Susan Earl	yes	Don Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Mayor Griffin	yes	Dr. White	yes
Steve Jones	yes	Ken Wilkerson	yes
Mark King	yes	Chairman Cochran	yes

MOTION FOR REVOCATION CARRIED

Mayor Larry Griffin moved for the policy statement to read “Mr. Poole has shown a total lack of respect for prior action by the Board against him, and it would be in the best interest of this EMS Board and the citizens of the State of Tennessee that he be now and forevermore not be allowed to practice as an EMT Paramedic in the State of Tennessee. Grady Scott gave the second on the policy statement.

Susan Earl	yes	Don Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Mayor Griffin	yes	Dr. White	yes
Steve Jones	yes	Ken Wilkerson	yes
Mark King	yes	Chairman Cochran	yes

MOTION PASSED